

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

J.W., a minor, by and through, AMANDA
WILLIAMS, Guardian and Next Friend,

Case No. 3:21-cv-00663-CWR-LGI

Plaintiffs,

Hon. Carlton W. Reeves
Mag. LaKeysha Greer Isaac

v.

THE CITY OF JACKSON, MISSISSIPPI, *et al.*

Defendants.

/

This filing relates to:

P.R., a minor, by and through, LONDON
REED, Guardian and Next Friend, *et al.*,

Case No. 3:21-cv-00667-CWR-LGI

Plaintiffs,

Hon. Carlton W. Reeves
Mag. LaKeysha Greer Isaac

v.

THE CITY OF JACKSON, MISSISSIPPI, *et al.*,

Defendant.

**PLAINTIFFS UNOPPOSED MOTION TO FILE AMENDED COMPLAINT AND JURY
TRIAL DEMAND**

COMES NOW, the Plaintiff J.W., a minor, by and through Amanda Williams as guardian and next friend, (hereafter "Plaintiff"), by and through counsel of record, and respectfully moves for to file, unopposed, Plaintiff's Amended Complaint and Jury Trial Demand as follows:

1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).
2. On October 19, 2021, Plaintiff filed their Original Complaint (ECF No. 1).

3. Upon learning additional information pertinent to the Plaintiff's claims, Plaintiff sought to amend the Original Complaint and Jury Trial Demand as a matter of course. Plaintiff's case relates to another matter before the Court and as such, counsel sought to notify opposing counsel of both matters and the related amendments.

4. On January 6, 2022, counsel for the Plaintiff reached out to counsel for Defendants The City of Jackson, Mississippi; Chowke A. Lumumba, Jr.; Tony Yarber; Kishia Powell; Robert Miller; and Jerriot Smash (hereto after referred to as "City Defendants"); counsel for Defendants the Mississippi State Health Department, Jim Craig, and John Does 1-40 (hereto after referred to as "State Defendants"); and counsel for Defendant Trilogy Engineering Services, LLC (hereto after referred to as "Trilogy Defendants").

5. At that time, Plaintiff's counsel communicated with counsel for the City, State, and Trilogy Defendants to inform all parties of Plaintiff's intention to file an Amended Complaint reflective of this new information. By January 10, 2022, all Defendants indicated they would not oppose the Amended Complaint from the Plaintiff.

6. Plaintiff's counsel sought written consent from the City Defendants for the Amended Complaint. City Defendants gave written consent. Plaintiff's counsel agreed not to oppose a motion for an extension of time to respond from City Defendants.

7. On January 12, 2022, City Defendants filed the Unopposed Motion for Extension of Time to File Answer or Other Responsive Pleading affirmed to the Court Defendants' intention not to oppose the Amended Complaint (ECF No. 42).

8. Plaintiff counsel sought written consent from the State Defendants for the Amended Complaint. State Defendants gave written consent. Plaintiff counsel agreed not to oppose a motion for an extension of time to respond from State Defendants.

9. On January 12, 2022, State Defendants filed the Unopposed Motion for Extension of Time affirmed to the Court Defendants' intention not to oppose the Amended Complaint (ECF No. 39).

10. Plaintiff counsel sought written consent from the Trilogy Defendants for the Amended Complaint. Trilogy Defendants gave written consent. Plaintiff counsel agreed not to oppose a motion for an extension of time to respond from Trilogy Defendants.

11. On January 12, 2022, Trilogy Defendants filed the Unopposed Motion for Extension of Time to File Answer or Other Responsive Pleading and affirmed to the Court Defendants' intention not to oppose the Amended Complaint (ECF 43).

12. Because City, State, and Trilogy Defendants all provided written consent and filed unopposed motions to Plaintiff's request to amend the Original Complaint, under Fed. R. Civ. P. 15(a)(2), it is proper for this Court to admit the attached Exhibits as the Amended Complaint.

13. Plaintiff hereby attaches as Exhibit A the Amended Complaint along with the Original Exhibits filed in ECF 1 for the Court's review and approval. Additionally, Plaintiff hereby attaches a version of the Amended Complaint which demonstrates the revisions through redline editing as Exhibit B.

WHEREFORE, Plaintiff J.W., a minor, by and through Amanda Williams as guardian and next friend, request that this Court enter an order for the attached Amended Complaint to be filed on behalf of Plaintiff as amended and complete complaint.

Dated: February 15, 2022.

Respectfully submitted,

LEVY KONIGSBERG, LLP

/s/ Corey M. Stern

Corey M. Stern

John P. Guinan (Application for Admission
Pro Hac Vice Application Forthcoming)

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-and-

CHHABRA & GIBBS, P.A.

/s/ Rogen K. Chhabra

Rogen K. Chhabra

Darryl M. Gibbs

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2022, the foregoing document was filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record.

/s/ Kimberly L. Russell

Kimberly L. Russell